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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/650,596	08/28/2003	James DeFrancesco	DLT-001DIV3	7930
51414 7590 07/25/2008 GOODWIN PROCTER LLP PATENT ADMINISTRATOR EXCHANGE PLACE BOSTON, MA 02109-2881				
EXAMINER DASS, HARISH T				
ART UNIT 3692		PAPER NUMBER		
NOTIFICATION DATE 07/25/2008		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/650,596

Applicant(s)

DEFRANCESCO ET AL

Examiner

EDWARD CHANG

Art Unit

3692

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 May 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date See Continuation Sheet
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :06/12/2008 (2 files), 05/01/2008.

DETAILED ACTION

Status of Claims

1. This action is in reply to the response filed on 7th of May 2008.
2. Claims 1-6 are currently pending and have been examined.
3. Claims 1-6 have been amended.

Response to Arguments

4. Applicant's arguments with respect to claim 1-6 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Examiner's Note: The Examiner has pointed out particular references contained in the prior art of record within the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific

limitations within the individual claim, other passages and figures may apply. Applicant, in preparing the response, should consider **fully** the entire reference as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

7. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zandi (US 5,966,699), in view of Dykstra et al. (hereinafter "Dykstra"); (US 5,611,052).

Claim 1:

Zandi shown discloses the following limitations:

- *receiving a credit application from at least one remote application input location;* (See at least Fig. 4A, Item 105)
- *automatically and selectively forwarding and received credit application to said **plurality of funding sources*** (See at least Fig. 4A, 120)
- *monitoring the data flow of a communication channel **wherein said communication channel accesses a plurality of funding sources; and*** (See at least column 2, Lines 49+)

Zandi does not teach using the facsimile service when communication channel fails, but Dykstra, however as shown, does:

- *by standardized facsimile service* (Fig. 2A, Step 120) *should said communication channel fail.* (See at least Fig. 1, Steps, 22, 24, 32) (Fig. 1 shows two different communication channels: (1) computer to computer bidirectional data channels (steps 22, and 24), and (2) computer to fax data channels (step 32), so it would have been obvious to one of ordinary skill to use the other communication channel if one fails.)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the Zandi's system as taught by Dykstra to use the facsimile as a backup when needed. This would give an extra assurance to the plurality of funding sources.

Claim 2:

The combination of Zandi/Dykstra discloses the limitations as shown in the rejections above. Furthermore, Zandi as shown, also discloses the following limitations:

- *receiving a funding decision from said **plurality of funding sources**.* (See at least Fig. 4B, Step 140)

Claim 3:

Zandi shown discloses the following limitations:

- *receiving a credit application from at least one remote application input location;* (See at least Fig. 4A, Item 105)
- *monitoring the data flow of a communication channel **wherein said communication channel accesses a plurality of funding sources**;* (See at least column 2, Lines 49+)
- *....automatically and selectively forwarding said received credit application to said **plurality of funding sources**...*(See at least Fig. 4A, 120)

Zandi does not teach using the facsimile service when communication channel fails, but Dykstra, however as shown, does:

- *should said communication channel fail, automatically and selectively forwarding said received credit application to said **plurality of funding sources** by standardized facsimile service* (Fig. 2A, Step 120); (See at least Fig. 1, Steps, 22, 24, 32) (Fig. 1 shows two different communication channels: **(1)** computer to computer bidirectional data channels (steps 22, and 24), and **(2)** computer to fax data channels (step 32), so it would have been obvious to one of ordinary skill to use the other communication channel if one fails.)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the Zandi's system as taught by Dykstra to use the facsimile as a backup when needed. This would give an extra assurance to the plurality of funding sources.

Claim 4:

The combination of Zandi/Dykstra discloses the limitations as shown in the rejections above. Furthermore, Zandi as shown, also discloses the following limitations:

- *step of receiving a funding decision from said **plurality of funding sources**. (See at least Fig. 4B, Step 140)*

Claim 5:

Zandi shown discloses the following limitations:

- *receive a credit application from at least one remote application input location; (See at least Fig. 4A, Item 105)*
- *monitor the data flow of said communication channel; and (See at least column 2, Lines 49+)*
- *automatically and selectively forwarding and received credit application to said **plurality of funding sources** (See at least Fig. 4A, 120)*

Zandi does not teach using the facsimile service when communication channel fails, but Dykstra, however as shown, does:

- *by standardized facsimile service (Fig. 2A, Step 120) should said communication channel fail. (See at least Fig. 1, Steps, 22, 24, 32) (Fig. 1 shows two different communication channels: (1) computer to computer bidirectional data channels (steps 22, and 24), and (2) computer to fax data channels (step 32), so it would have been obvious to one of ordinary skill to use the other communication channel if one fails.)*

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the Zandi's system as taught by Dykstra to use the facsimile as a backup when needed. This would give an extra assurance to the plurality of funding sources.

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Claim 6:

The combination of Zandi/Dykstra discloses the limitations as shown in the rejections above. Furthermore, Zandi as shown, also discloses the following limitations:

- *receive a funding decision from said **plurality of** funding sources.* (See at least Fig. 4B, Step 140)

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).
11. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the Examiner should be directed to **Edward Chang** whose telephone number is **571.270.3092**. The Examiner can normally be reached on Monday-Friday, 9:30am-5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, **Kambiz Abdi** can be reached at **571.272.6702**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair> <<http://pair-direct.uspto.gov>>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866.217.9197** (toll-free).

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

P.O. Box 1450
Alexandria, VA 22313-1450

or faxed to **571-273-8300**.

Hand delivered responses should be brought to the **United States Patent and Trademark Office Customer Service Window:**

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Alexandria, VA 22314.

July 14, 2008
/Edward Chang/ Examiner, Art Unit 3692

/Harish T Dass/
Primary Examiner, Art Unit 3692